

REMARKS

The present Amendment is in response to the Final Office Action mailed May 28, 2008. Claims 1, 17, and 18 are cancelled, claims 2-13, 15, 16, 20 and 21 are amended, and new claims 22-24 are added. Claims 2-13, 15, 16, and 19-24 are now pending in view of the above amendments (claim 14 having been cancelled by a previous amendment).

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

I. General Considerations

A. Claim Amendments and/or Cancellations

Applicant notes that while claims 2-13, 15, 16, 20 and 21 have been amended herein and claims 1, 17, and 18 have been canceled, such amendments and cancellations have been made in the interest of expediting the allowance of this case. Notwithstanding, Applicant, may, on further consideration, determine that claims of broader scope than those now presented are supported. Accordingly, Applicant hereby reserves the right to file one or more continuing applications with claims broader in scope than the claims now presented.

Consistent with the points set forth above, Applicant submits that neither the claim amendments set forth herein, nor any other claim amendments, claim cancellations or statements advanced by the Applicant in this or any related case, constitute or should be construed as, an implicit or explicit surrender or disclaimer of claim scope with respect to the cited, or any other, references.

B. Remarks

Applicant respectfully notes that the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the patentable distinctions between any cited references and the invention, example embodiments of which are set forth in the claims of this application. Rather, and in consideration of the fact that various factors make it impractical to enumerate all the patentable distinctions between the invention and the cited art, as well as the fact that the Applicant has broad discretion in terms of the identification and consideration of the base(s) upon which the claims distinguish over the cited references, the distinctions identified

and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose contemporaneous or future consideration by the Applicant, in this case or any other, of: additional or alternative distinctions between the invention and the cited references; and/or, the merits of additional or alternative arguments.

Applicant notes as well that the remarks, or a lack of remarks, set forth herein are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicant: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicant reserves the right to challenge the purported teachings and purported prior art status of the cited references at any appropriate time.

II. Allowed Subject Matter

The Examiner's indication of allowable subject matter in claims 6 and 21 is appreciated. Applicant wishes to thank the Examiner for the careful review and allowance of those claims.

Applicant submits the following comments concerning the Examiner's statements of reasons for the indication of allowable subject matter in the Office Action. Applicant agrees with the Examiner that the claimed invention of claims 6 and 21 is patentable over the prior art, but respectfully disagrees with the Examiner's statement of reasons for allowance as set forth in Office Action. Applicant submits that it is the claim as a whole, rather than any particular limitation, that makes each of the claims allowable. No single limitation should be construed as the reason for allowance of a claim because it is each of the elements of the claim that makes it allowable. Therefore, Applicant does not concede that the reasons for allowable subject matter given by the Examiner are the only reasons that make, or would make, the claims allowable and do not make any admission or concession concerning the Examiner's statement in the Office Action.

The Examiner has indicated that claims 6 and 21 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if a lack of antecedent basis objection to claim 6 is resolved. In response, Applicant has amended claim 6 to overcome the lack of antecedent basis objection and have rewritten claim 6

in an independent format so as to include all of the limitations of base claim 1 and intervening claims 4 and 5, with some amendments made to the added limitations to improve form and readability. Similarly, claim 21 has been rewritten in an independent format so as to include all of the limitations of base claim 1 without narrowing the claim in any way so as to overcome any prior art. As acknowledged by the Examiner, claims 6 and 21 are patentably distinct from the prior art, and are now in a condition for allowance. Moreover, for at least the same reason, claims now depending from claims 6 and 21—namely, claims 2-5, 7-10, 16, 19, and 20—are also in a condition for allowance.

III. Claim Objection

The Examiner objected to claim 6 as lacking antecedent basis for “the cover member.” Applicant has amended claim 6 as suggested by the Examiner. Accordingly, the objection has been obviated and withdrawal of the objection is respectfully requested.

IV. Claim Rejections Under 35 U.S.C. §102(e)

The Examiner rejected claims 1, 3-4, 7-12, 15-16, and 18-19 under 35 U.S.C. § 102(e)¹ as being anticipated by United States Patent Publication No. 2004/0185696 to *Long et al.* (“*Long*”); and rejected claims 1-5, 8-13, and 16-20 under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 6,430,053 to *Peterson et al.* (“*Peterson*”). The rejection of claims 1, 17, and 18 has been rendered moot by cancellation of these claims. Therefore, withdrawal of the rejection of claims 1, 17, and 18 is respectfully requested. As to the remaining pending claims, Applicant respectfully traverses the rejections in view of the following remarks.

Applicant respectfully notes at the outset that a claim is anticipated under 35 U.S.C. § 102(a), (b), or (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Further, the identical invention must be shown in as complete detail as is contained in the claim. Finally, the elements must be arranged as required by the claim. *MPEP* § 2131.

As discussed above, the rejection of claims 6 and 21 has been obviated in light of the amendments made to these claims and therefore withdrawal of the rejection of claims 6 and 21, and corresponding dependent claims 2-5, 7-10, 16, 19, and 20, is respectfully requested.

¹ Because *Long* is only citable under 35 U.S.C. § 102(e) Applicant does not admit that *Long* is in fact prior art to the claimed invention but reserve the right to swear behind *Long* if necessary to remove it as a reference.

Claim 11, as amended, recites, among other things, “a first opening...and a second opening...distinct from the first opening.” Support for this amendment may be found at least on page 6, lines 8-15, and in Figure 3 of the application. In contrast, the Examiner has not shown that *Long* or *Peterson* discloses two distinct openings such as are required by amended claim 11.

In light of the foregoing, Applicant respectfully submits that the Examiner has failed to establish that *Long* or *Peterson* anticipates claim 11 at least because the Examiner has not established that each and every element as set forth in claim 11 is found in *Long* or *Peterson*, because the Examiner has not established that the identical invention is shown in *Long* or *Peterson* in as complete detail as is contained in claim 11, and because the Examiner has not shown that *Long* or *Peterson* discloses the elements arranged as required by claim 11. Applicant thus respectfully submits that the rejection of claim 11, as well as the rejection of corresponding dependent claims 12, 13, and 15, should be withdrawn.

V. New Claims 22-24

By this amendment Applicant has added new claims 22-24. Applicant respectfully submits that claims 22-24 are allowable at least by virtue of their dependence from allowable claim 21.

VI. Fee Payment

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to **Deposit Account No. 23-3178**: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 § CFR 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefor and charge any additional fees that may be required to **Deposit Account No. 23-3178**.

CONCLUSION

In view of the foregoing, Applicant believes the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 29th day of September, 2008.

Respectfully submitted,
/Peter F. Malen, Jr./Reg. #45576

Peter F. Malen Jr.
Attorney for Applicant
Registration No. 45,576
Customer No. 022913
Telephone No. (801) 533-9800

C:\NrPortb\DMS1\KCLARK\2058710_1.DOC